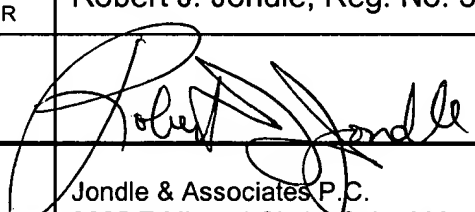


REMARKS

The Examiner has rejected claims 43-45 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; specifically that the claims as amended contain new matter which is unsupported by the specification. Applicant directs the Examiner's attention to page 11, lines 6-20 of the specification in which the percentage of sequence homology is discussed. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 43-45 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that the claims "are vague and indefinite in recitation of 'about 60% to about 90% homology over the entire length of the template promoter.'" Applicant submits that one of ordinary skill in the art would know what this means and would understand what the metes and bounds of the claims are. Withdrawal of this rejection is respectfully requested.

Reconsideration of this application and early notice of allowance is requested.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
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